IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE SIDE

CRIMINAL APPLICATION NO.1562 OF 2007

Subhash Chintaman Mhatre & Anr. .. Applicants.

Versus

The State of Maharashtra .. Respondent.

Mr.Rajan Salvi for the applicants.

Mr.A.R.Patil, A.P.P. for the respondent.

CORAM : R.M. SAVANT, J.

(VACATION JUDGE)

DATE : 16th MAY, 2007.

P.C.:

1. This is an application for anticipatory bail by the applicants in C.R.No.72 of 2007 lodged with Pen Police Station, Dist. Raigad for the offences punishable under Sections 464, 465, 467, 468, 420 and 34 of I.P.C.

2. The offences registered are in respect to an agreement for sale entered into in respect of the land of one Chintaman Mhatre, who is the father of the applicants. The complainant is the elder brother of the applicants.

3. It is the case of the complainant that the applicants and other family members impersonated their mother Laxmibai and their brother Raju Chintaman Mhatre at the time of execution of Agreement of Sale in respect of the said land. It is also alleged that the applicants had cheated the complainant by entering into an Agreement for sale in favour of M/s.Mumbai S.E.Z. Limited. The complainant has also not been given his share of the proceeds from the sale.

4. The applicants' brother Prasad, who is the accused No.5 has already been released on bail, who is the main proponent of the sale transaction. The sisters of the applicants, namely, Sudha Gajanan Mhatre and Malati Subhash Mhatre have also been released on bail. It appears that on the intervention of the village elders, a Memorandum of Understanding had been arrived at between the parties, pursuant to which the applicants and their brothers have given an amount of Rs.7,23,125/- to Ramesh Chintaman Mhatre, the complainant. The said Memorandum of Understanding also records that the complainant does not wish to proceed against the applicants and other family members.

5. It appears that the applicants were on interim

bail till 15th May, 2007. The applicants have also given their thumb impressions and specimen of their hand writing.

6. In that view of the matter, I am of the opinion that the applicants deserve to be granted anticipatory bail in C.R. No.72 of 2007 registered with Pen Police Station on the following conditions : -

a) In the event of the arrest of the applicants in C.R. No.72 of 2007, each of the applicants would be released on bail in the sum of Rs.10,000/- each with one or two local sureties in the like amount.

b) The applicants to co-operate with the Investigating Agency and make themselves available to the concerned police station as and when required till the filing of the charge sheet.

c) The applicants shall not influence prosecution witnesses or tamper with the prosecution evidence in any manner, whatsoever.

7. The above application stands disposed of in the aforesaid terms.

(R.M. SAVANT, J.)